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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KENNY CORCORAN,

11 Plaintiff,

12 v.

13 TIM GERVAIS, et al.,

14 Defendants.

CASE NO. C21-0001JLR

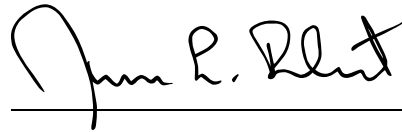
ORDER STRIKING NOTICE OF  
DISMISSAL

15 Before the court is Plaintiff Kenny Corcoran's notice of voluntary dismissal  
16 without prejudice. (Not. (Dkt. # 19).) Mr. Corcoran states that he is dismissing his case  
17 under Federal Rule of Civil Procedure 41(a)(1)(A)(i), which provides that "a plaintiff  
18 may dismiss an action without a court order by filing . . . a notice of dismissal before the  
19 opposing party serves either an answer or a motion for summary judgment." (*Id.*); Fed.  
20 R. Civ. P. 41(a)(1)(A)(i). Defendant Tim Gervais, however, answered Mr. Corcoran's  
21 complaint on May 24, 2021. (*See* Ans. (Dkt. # 10).) Because Mr. Gervais has answered  
22 the complaint, Mr. Corcoran's notice of dismissal is without legal effect. To effectuate

1 the dismissal, Mr. Corcoran must either file “a stipulation of dismissal signed by all  
2 parties who have appeared” pursuant to Rule 41(a)(1)(A)(ii) or move the court for an  
3 order of dismissal without prejudice pursuant to Rule 41(a)(2).

4 For the foregoing reasons, the court STRIKES Mr. Corcoran’s notice of dismissal  
5 (Dkt. # 19) without prejudice to Mr. Corcoran filing either a stipulation under Rule  
6 41(a)(1)(A)(ii) or a motion under Rule 41(a)(2).

7 Dated this 15th day of June, 2022.

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10 JAMES L. ROBART  
United States District Judge  
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